

BOARD OF APPEALS CASE NO. 4951

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BEFORE THE

APPLICANT: Paul Dziwulski

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ZONING HEARING EXAMINER

REQUEST: Variance to construct an
attached garage within the required front
yard setback; 119 Regent Drive, Bel Air

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 8/11/99 & 8/18/99

HEARING DATE: September 29, 1999

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Record: 8/13/99 & 8/20/99

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Paul Dziwulski, appeared before the Hearing Examiner requesting a variance to Section 267-36(B), Table V, of the Harford County Code, to construct an attached garage within the required 35 foot front yard setback in an R2 District.

The subject parcel is located at 119 Regent Drive in the Third Election District. The parcel is identified as Parcel No. 811, in Grid 4-C, on Tax Map 49. The parcel contains .289 acres, more or less, all of which is zoned R2.

The Applicant appeared and testified that the subject parcel is improved by a single-family dwelling and that he is requesting a variance to the front yard setback to construct an attached garage with dimensions of 20 feet by 20 feet. The witness said the garage will be one-story and that if the variance is approved, he will maintain a 24 foot setback from Marlow Court. The witness said that the subject property is unique because it is a corner lot at the intersection of Regent Drive and Marlow Court. The witness said he did not feel approval of the garage would have an adverse impact on the neighborhood because there are other garages in the neighborhood and he has agreed with his neighbors that the entrance from Marlow Court to his driveway will not exceed 10 feet in width.

Mr. Anthony S. McClune, Manager, Division of Land Use Management, for the Department of Planning and Zoning, appeared and testified that the Staff has reviewed the Applicant's request and that they feel the subject parcel is unique for the reasons stated by the Applicant and, further, that since the Applicant must comply with two front yard setbacks, the usable area on the subject parcel is reduced.

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CONCLUSION:

The Applicant is requesting a variance to Section 267-36(B), Table V, of the Harford County Code, to construct an attached garage within the required 35 foot front yard setback in an R2 District. The Applicant is proposing a setback which averages 24 feet from Marlow Court.

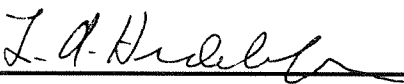
The Applicant testified the subject property is unique because it is a corner lot which limits the usable area on the subject parcel. The Applicant also testified he did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because there are other garages in the neighborhood and he has agreed with his neighbors on Marlow Court that the entrance to the driveway from Marlow Court will not exceed 10 feet in width.

Mr. Anthony McClune testified on behalf of the Department of Planning and Zoning that the subject parcel is unique because it is a corner lot and that the proposed location of the garage is the only practical area on the parcel. Mr. McClune further testified that the variance should not impact the intent of the Code and/or adjoining properties.

It is the finding of the Hearing Examiner that the subject property is unique for the reasons stated by the Applicant in his testimony, as corroborated by Anthony McClune. Therefore, it is the recommendation of the Hearing Examiner that the variance to reduce the setback from Marlow Court to an average of 24 feet is hereby recommended, subject to the following conditions:

1. The Applicant obtain all necessary permits and inspections for the garage/addition.
2. The garage shall not be used in the furtherance of a business.
3. The garage shall not be used for storage of contractors' vehicles and/or contractors' equipment.

Date OCTOBER 8, 1999



L. A. Hinderhofer
Zoning Hearing Examiner